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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,603	02/21/2001	Elin R. Pedersen	106143	4550
25944	7590	12/06/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER ZHOU, TING	
			ART UNIT 2173	PAPER NUMBER
DATE MAILED: 12/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/788,603

Applicant(s)

PEDERSEN ET AL.

Examiner

Ting Zhou

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11,13-20,22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13-20,22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The Request for Continued Examination (RCE) filed on 2 May 2005 under 37 CFR 1.53(d) based on parent Application No. 09/788,603 is acceptable and a RCE has been established. An action on the RCE follows.
2. The amendments filed on 2 May 2005, submitted with the filing of the RCE have been received and entered. Claims 1, 3-11, 13-20 and 22-23 as amended are pending in the application.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-4, 9-11, 13, 18-19 and 22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Oran et al. U.S. Patent 5,617,526 (hereinafter "Oran").

Referring to claims 1 and 11, Oran teaches a method and system comprising a memory (column 3, lines 1-3) that stores associations between at least one activity stream and at least one representation element, the activity stream based on an activity that is beyond a user's perception (for example, associating the activity stream of a received electronic mail message with the representation element of a mail icon 38) (column 4, lines 44-47, column 5, lines 37-46

Art Unit: 2173

and Figure 6); at least one synthesizer circuit, synthesizing a value of a human sensible attribute of the at least one representation element based on changes in the at the least one activity stream and the stored associations (synthesizing the displayed icon based on changes; for example, the displayed icon can be modified to a mail slot with multiple envelopes in order to indicate changes in the activity stream such as the arrival of multiple mail messages) (column 5, lines 37-46); determining a user's focus of attention (users interacting with the graphical user interface) and selecting at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention, wherein the at least one selected representation element is within the user's focus of attention (displaying the associated icon on the taskbar notification area, which is always displayed on the GUI and is therefore focused on by the user) (column 2, lines 46-56, column 4, line 44- column 5, line 60 and further shown in Figures 6-8).

Referring to claim 3, Oran teaches the selected representation element is at the periphery of the user's focus of attention (displaying the icon on the system tray, such as shown in Figure 6, which is at the periphery of the user's focus of attention since it is displayed on the taskbar, which is designated for the display of notifications to the user) (column 1, lines 40-45).

Referring to claims 4 and 13, Oran teaches wherein an activity stream is information including at least one of sensor information, detector information, application information, telephone information, news information and pager information (receiving application information from an email application such as arrival of a new message) (column 4, line 44- column 5, line 60).

Referring to claims 9 and 18, Oran teaches the human-sensible attribute is a display attribute (display of an icon) (Figure 6).

Referring to claims 10 and 19, Oran teaches the display attribute includes at least one of a text characteristic, a window characteristic, a desktop characteristic (displaying an icon on the desktop) (Figure 6).

Referring to claims 22-23, Oran teaches wherein the activity is at least one of a scheduled event approaching and sensor values changing (sensing the activity of a change in the message sent by the application program; for example, when the change of arrival of multiple mail messages is sensed, the icon is correspondingly changed) (column 5, lines 36-45 and Figure 8).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-8, 14-17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oran et al. U.S. Patent 5,617,526 (hereinafter "Oran"), as applied to claims 1 and 11 above, and further in view of Bonura et al. U.S. Patent 6,670,970 (hereinafter "Bonura").

Referring to claims 5 and 14, Oran teaches all of the limitations as applied to claims 1 and 11 above. However, Oran fails to explicitly teach the human-sensible attribute is synthesized based on a selected range. Bonura teaches a graphical user interface that stores associations between at least one activity stream and at least one representation element (associating the presence/lack or new information on a floating window with the visual

Art Unit: 2173

translucency of the representation element, or floating window, according to parameters that can be set by the application, user or system) (Bonura: column 3, lines 57-65 and column 4, lines 3-6), synthesizes a value of a human sensible attribute of the at least one representation element based on changes in the at the least one activity stream and the stored associations (synthesizing the displayed translucency/opacity of the floating window based on changes in the presence/lack of new information on the floating window; for example, when the floating window has been updated with new information within a predetermined time period, the window will become transparent and after a certain time period has elapsed, windows can become transparent, or partially transparent, according to parameters) (Bonura: column 2, lines 35-45, column 3, lines 42-48 and column 5, lines 57-67 through column 6, lines 1-28), determines a user's focus of attention (user viewing and interacting with information on a displayed object or window) (Bonura: column 3, line 41 – column 4, line 6) and selects at least one of the at least one representation elements to synthesize a display attribute based on the user's focus of attention (synthesize, or change the translucency of the window to match the presence/lack of new information of the window that the user is focusing on; for example, initially, the user's focus of attention is on, or the user can easily read the information shown in window 500 of Figure 4; however, if the information of window 500 has not changed after 10 seconds, then window 500, which is the user's focus of attention, is selected to become 20% translucent) (Bonura: column 5, lines 47-67) similar to that of Oran. In addition, Bonura further teaches the human-sensible attribute is synthesized based on a selected range (the displayed translucency of the floating windows are changed in steps; for example, the window can go from being 20% translucent to 40% translucent to 60% translucent, etc.) (Bonura: column 6, lines 20-28). It would have been

Art Unit: 2173

obvious to one of ordinary skill in the art, having the teachings of Oran and Bonura before him at the time the invention was made, to modify the interface for synthesizing a value of a human sensible attribute of the representation element based on changes in an activity stream and stored associations of Oran to include synthesizing the human sensible attribute based on a selected range taught by Bonura. One would have been motivated to make such a combination in order to easily and conveniently provide a progress indicator to the user.

Referring to claims 6 and 15, Oran, as modified, teach wherein the human-sensible attribute is synthesized based on values outside a selected range (for example, if the selected range is making the window 10% more translucent every 5 seconds without changes to the displayed information, when there are values outside the range, such that after 5 seconds, there have not been any new information, then the window will become 10% more transparent) (Bonura: column 7, lines 1-33).

Referring to claims 7 and 16, Oran, as modified, teach the at least one representation element and the at least one activity stream are dynamically associated based on which of the at least one activity stream has a value outside a predicted range of values (the displayed floating window and the detecting of activity such as new information are dynamically associated such that the window dynamically changes from being translucent to opaque according to whether the window meets a range of values, such as time elapsed since new information being presented) (Bonura: column 3, lines 43-67 through column 4, lines 1-6).

Referring to claims 8 and 17, Oran, as modified, teach determining the predicted range of values based on monitoring at least one of the at least one activity stream (monitoring the presence of new information and the time elapsed since new information has been presented to

Art Unit: 2173

determine whether the floating window has reached the range of values, or the time elapsed since new information has been presented, that causes the window to become translucent) (Bonura: column 5, lines 47-67 through column 6, lines 1-28).

Referring to claim 20, Oran, as modified, teach determining a users focus of attention by actively sensing the user's focus of attention (actively sensing where the user's focus of attention is, i.e. what window or object the user is interacting with, in order to adjust the degree of translucency/opaqueness accordingly) (Bonura: column 7, lines 44-67).

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 3-11, 13-20 and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

5. The applicant argues that Bonura does not disclose an "activity stream based on an activity that is beyond a user's perception". This argument is moot in view of Oran. Oran teaches associations between an activity stream and a representation element such as associating the activity of receiving a message from a mail program indicating the arrival of a new email with the display of a representation element such as mail icon 38 shown in Figure 6. Since the activity of the arrival of a new email is a message sent from the mail program to the taskbar, this activity is beyond a user's perception, i.e. the user perceives this arrival of new mail only when the mail icon is displayed on the taskbar.

### ***Conclusion***


Art Unit: 2173

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ting Zhou whose telephone number is (571) 272-4058. The examiner can normally be reached on Monday - Friday 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached at (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TZ



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PRIMARY EXAMINER